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and is being transmitted on 8/19/2005. The length of this fax, (including the cover letter), is  
6 pages.The fax machine number is 713.221.1212. If you do not receive all pages, please call  
713.221.1233.**Message**Re: U.S. Serial No. 09/736,354 - Leonard Sadjadi  
Lighted Status Indicator Corresponding to the Positions  
of a Circuit Breaker, Switch or Fuse  
Atty Docket No.: 2065JB.37332

Please see the attached.

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## CERTIFICATE OF FACSIMILE - 37 CFR 1.8(a)

I hereby certify that this correspondence has been transmitted by facsimile to: Commissioner for Patents - Patent Technology Center  
Director of Group Unit 2636: General Electrical Communication, Office of Petitions, USPTO at Fax Number 1 571 273 8300.

Date of Deposit:

Aug. 19, 2005

By:

Dolcia Herrera

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF  
Leonard Sadjadi

DOCKET NO. 2065JB.37332

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AUG 19 2005

SERIAL NO.: 09/736,354

EXAMINER: La, Anh V.

FILED: 12/14/2000

GROUP UNIT: 2636

TITLE: Lighted Status Indicator Corresponding  
to the Positions of Circuit Breaker, Switch or Fuse

**CO-ASSIGNEE MICRIN'S RESPONSE TO UNICO'S**  
**PETITION TO REVIVE AND UNICO'S RULE 182 PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I hereby authorize the Commissioner to charge any required fee associated with this Response to Bracewell & Giuliani LLP, Deposit Account No. 50-0259 (2065JB.37332).

In response to L.S. Unico, Inc.'s ("UNICO") Petition to Revive Under 37 CFR § 1.137(b) and to Withdraw Holding of Abandonment Under 37 CFR § 1.181(a) ("PETITION TO REVIVE"), Applicant Micrin Technologies Corporation ("MICRIN") respectfully requests that the Solicitor deny UNICO's PETITION TO REVIVE and maintain the July 18, 2005 Decision from the Office of Petitions granting MICRIN's Withdraw from Issuance the above-style application.

In response to UNICO's Petition Under 37 CFR § 1.182 For Entry of Revocation and Appointment of Power of Attorney by Less Than All Owners ("RULE 182 PETITION"), Applicant

MICRIN respectfully requests that the Solicitor deny UNICO's RULE 182 PETITION and have the Office add MICRIN's attorneys back to the Office's records as attorneys of record for MICRIN.

**STATEMENT OF THE FACTS**

The rights in the invention disclosed in U.S. Patent Application Serial No. 09/736,354, the above-styled application, were assigned by Inventor Leonard Sadjadi such that MICRIN and UNICO were each Fifty Percent (50%) co-owners of the invention. UNICO attempted to revoke the power of attorney with a new power of attorney that accompanied an Amendment and Response received by the USPTO on October 17, 2003 (hereinafter "the 10/17/2003 Amendments"). The new power of attorney was only signed by a representative (Leonard Sadjadi ) for UNICO.

MICRIN, a co-owner, did not grant power of attorney to the attorney that filed the 10/17/2003 Amendments. MICRIN also never revoked its power of attorney. Moreover, neither MICRIN nor MICRIN's attorneys signed the 10/17/2003 Amendments. UNICO did not consult with MICRIN or MICRIN's attorney's in the preparation of 10/17/2003 Amendments. Furthermore, UNICO proceeded to file (1) an Election of claims on or about June 14, 2004, for prosecution in response to the Examiner's restriction requirement (hereinafter "the Election"); (2) an Amendment and Response after final rejection on January 3, 2005, that amended the remaining claims of the above-styled application (hereinafter "the 1/3/2005 Amendments"). Neither MICRIN nor MICRIN's attorneys signed either the Election or the 1/3/2005 Amendments. Significantly, through the course of the filings of the 10/17/2003 Amendments, the Election, and the 1/3/2005 Amendments, every claim that was present in the above-styled application the last time that MICRIN was included in the prosecution of the above-styled application was cancelled.

**PETITION TO REVIVE SHOULD BE DENIED**

When power of attorney is granted to two different attorneys because one of the assignees arguably revoked its power of attorney and assigned it to another, each of the assignees or their

respective attorneys "must sign all subsequent replies submitted to the Office" unless a petition under 37 CFR 1.182 has been accepted. *See* MPEP 402.10. There was not a petition under 37 CFR 1.182 that was filed with UNICO's proffered revocation of power of attorney on October 17, 2003. Therefore, under the provisions of MPEP 402.10, none of the 10/17/2003 Amendments, the Election, and the 1/3/2005 Amendments should have been accepted by the Office.<sup>1</sup>

After MICRIN discovered that UNICO had unilaterally proceeded with prosecuting the above-styled application with none of the original claims, MICRIN simply put the above-styled application back to the status quo of where the petition had been before UNICO started filing papers without MICRIN's or its attorney's signatures. MICRIN did this by filing a continuation application concurrently with abandoning the above-styled application. In order to do so, MICRIN identified and the Office accepted that there were "some specific and significant defect[s] in the allowed application" justifying the withdrawal of the above-styled application from issue. *See* MPEP 1308.

As stated before, the above-styled application was about to issue without any information pertaining to MICRIN's ownership interests reflected on the face of the patent. The above-styled application was also prosecuted and amended in the 10/17/2003 Amendments, the Election, and the 1/3/2005 Amendments without the knowledge and consent of MICRIN, through an attorney that MICRIN did not authorize to act on its behalf. The cancellation of the claims in the above-styled application without the knowledge and consent of MICRIN is a specific and significant defect, by itself, that should justify the above-styled application being withdrawn from issue. Moreover, the amendments in above-styled application affect the scope of the protection available without MICRIN's knowledge and consent, and therefore issuance of the above-styled application may irreparably harm MICRIN as a 50% owner of the above-styled application. Therefore, MICRIN requested the

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<sup>1</sup> Nothing in the documents attached to UNICO's Petition qualify as an actual assignment. MICRIN simply informed UNICO that it could proceed with an appeal of rejection to the existing claims in the application and that MICRIN would be willing to sell/assign its rights to UNICO. Notably, UNICO did not attach a document showing that MICRIN assigned its rights to UNICO after its offer because no assignment ever happened. MICRIN still owns fifty (50) percent and cannot infringe a patent issuing from the above-styled application, contrary to UNICO's allegations.

Withdrawal from Issuance of the above-styled application in favor of the continuation application, in which both parties had previously agreed to the scope of the claims. Granting MICRIN's July 18, 2005 Petition merely preserved the status quo of the way the above-styled application was before UNICO proceeded to change the scope of the above-styled application without MICRIN's knowledge. Accordingly, MICRIN respectfully requests that the Office deny UNICO's PETITION TO REVIVE.

**UNICO'S 37 CFR 1.182 PETITION SHOULD BE DENIED**

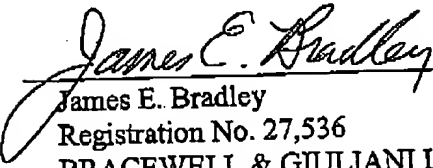
Apparently after realizing UNICO's mistake with its attempted revocation and power of attorney on October 17, 2003, UNICO has now filed its RULE 182 PETITION to the Office under 37 CFR 1.182. UNICO provided as its "good and sufficient reasons" required under MPEP 402.10 as to why UNICO should be allowed to prosecute the above-styled application without MICRIN's knowledge and consent, that there is a law suit between the parties. Interestingly, the law suit was initiated by UNICO and Inventor Leonard Sadjadi.

MICRIN did not file the law suit, and MICRIN did not attempt to file amendments to the claims of the above-styled application without the knowledge and consent of UNICO. UNICO has not shown that MICRIN has been uncooperative or was not willing to sign such documents, because MICRIN was never given the opportunity. Instead, UNICO filed the 10/17/2003 Amendments, the Election, and the 1/3/2005 Amendments without MICRIN.

Moreover, now UNICO is attempting to have the court in the law suit void the assignment to MICRIN after UNICO and MICRIN did not come to an agreement for a sale or assignment of MICRIN's interests. If either assignee should be granted the authority to act solely and without the signature of the other because the other assignee is uncooperative or unwilling, it should be MICRIN. Therefore, MICRIN respectfully requests that the Office deny UNICO's RULE 182 PETITION and that the Office have MICRIN's attorneys also listed as attorneys of record as such status changed on the Office's website after UNICO's recent filings.

Respectfully submitted,

Dated: August 19, 2005

  
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